



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY **NEWS RELEASE**

Department of Toxic Substances Control

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For Immediate Release

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Criminal Investigation Detects Major Illegal Waste Disposal Operation in the Antelope Valley

Los Angeles – The Los Angeles County District Attorney's Environmental Crimes/OSHA Division has filed 36 felony charges, plus two special allegations, against two individuals who operate under the names Smith and Thompson Pumping Company (STPC) and S&S Environmental and Processing at 244 and 258 W. Avenue L-9, Lancaster, California 93534. In early morning raids today, (September 28) investigators began the process of making arrests and seizing bank accounts.

This investigation was conducted by the Department of Toxic Substances Control's (DTSC) Criminal Investigations Branch with the support of the Sanitation Districts of Los Angeles County. Assistance was also provided by the California Highway Patrol, Los Angeles County Sheriff's Department, United States Environmental Protection Agency – Criminal Investigations Division, Antelope Valley Air Quality Management District, County of Los Angeles Department of Health Services – Solid Waste Management Program, City of Lancaster, and Los Angeles County Fire Department – Hazardous Materials Unit.

"This is a joint effort by state, local and federal environmental regulators. The activities alleged in the complaint pose a danger and harm to our environment and to public health. This investigation and the subsequent prosecutions are consistent with Governor's Schwarzenegger's commitment to pursue and prosecute those who violate laws designed to protect public health and the environment," said DTSC Acting Director Leonard Robinson.

STPC is listed as a sole proprietorship owned by Dorothy Smith. S&S Environmental and Processing is listed as co-owned by Sherwin Smith and James Smith. STPC is registered with DTSC as a hazardous waste transporter.

Those charged are:

- Sherwin Pascal Smith (Age 41 of Tehachapi)
- Marvin Timothy Dunbar (Age 32 of Mojave)

The subjects of the investigation picked up hazardous and non-hazardous waste from generators. On multiple occasions hazardous waste was picked up on STPC generated hazardous waste data forms, instead of California Uniform Hazardous Waste Manifest as required by law.

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The investigation documented 331 occasions in which both hazardous and non-hazardous waste did not arrive at the given destination. The investigation documented 273 occasions in which disposal facility signatures were forged to show receipt of the waste at a designated disposal facility. The criminal complaint alleges 18 counts of fraud and 6 counts of forgery.

The complaint alleges that hazardous waste was illegally disposed of, including hazardous waste from a plating operation. The complaint alleges that hazardous waste was illegally stored at the 244 and 258 West Avenue L-9 locations. A 5000 gallon tanker, nearly full with toxic hazardous waste, was discovered on the 258 West Avenue L-9 properties during the execution of a search warrant in December of 2004. Additionally, a drum containing toxic hazardous waste was found to be used as part of a retaining wall. The criminal complaint alleges six counts of illegal disposal of hazardous waste and six counts of illegal storage of hazardous waste.

According to the Sanitation Districts of Los Angeles County, materials consistent with some of those transported by the above entities were illegally dumped into local sewer systems between November 2003 and December 2004. This resulted in significant problems for the Sanitation Districts' Lancaster Water Reclamation Facility.

DTSC regulates the generation, storage, transportation, and disposal of hazardous waste within the State of California. DTSC ensures compliance with the Hazardous Waste Control Laws through regulations, inspections, and criminal investigations.

Most hazardous waste generated by businesses must be transported by a registered hazardous waste transporter and a California Uniform Hazardous Waste manifest must be used. This helps track shipments and ensures the proper disposal of hazardous waste. Through the proper handling of hazardous waste, threats to public health and the degradation of the environment can be avoided.

DTSC Criminal Investigators, under the supervision of Chief Counsel Tim Swickard, also provide assistance to regional environmental taskforces which investigate a variety of environmental crimes. Some of the criminal acts brought to the attention of taskforces involve the discharge of contaminants which may not be classified as hazardous waste, but still pose a danger to the environment and/or human health.

To find out if a hazardous waste transporter is registered or to find additional information about DTSC, please visit DTSC's web site at www.dtsc.ca.gov. For complaints involving the illegal dumping, storage, or transportation of hazardous waste, please call 1-800-69-TOXIC.

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The Department of Toxic Substances Control's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.